

Remarks:

Status of Claims

Claims 2, 4, 6, 9 and 11-20 are currently amended.

Claim 10 is canceled.

Claims 1-3, 5, 7 and 8 stand allowed.

Claims 1-9 and 11-20 are pending.

Objection to the Specification

The abstract of the disclosure is objected to in the Office Action and is required to be presented on a single sheet free of extraneous text. In reply, the original PCT Abstract is re-submitted herewith on a separate sheet, in conformity with MPEP § 608.01(b).

Claim Rejection Under 35 U.S.C. § 102/103

Claim 10 is rejected in the Office Action under 35 U.S.C. § 102(b) as being anticipated by, or, in the alternative, as being obvious over PCT International App. No. WO 02/14477. This ground of rejection is moot, as claim 10 is now canceled without prejudice to its being reasserted later in a continuation application.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

In the Office Action claims 4, 6, 9, and 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 4 is currently amended to recite "selected" instead of "chosen." For consistency of terminology, the Markush groups of claims 2, 9, 13 and 19 are similarly amended to recite "selected" instead of "chosen."

Claim 6 is amended to correct a typographical error, and now recites dependency from claim 5.

Claim 9 is further amended to delete "said step of."

Claims 11-19 are amended to recite a "product" instead of a combination, which is deemed in the Office Action to be unclear.

Claim 14 is further amended to require that the extract is in the form of a concentrate, as originally intended.

Claim 15 is further amended to require that the extract is in the form of an aqueous solution, as originally intended.

Claim 16 is amended to state that the product is a food coloring, beverage, nutraceutical, pharmaceutical or toiletry.

Claim 19 is amended to require that the extract is present in the selected product.

Claim 20 is currently amended to omit reference to claim 11, to instead expressly recite the color-stabilized red pigmented extract contained in aseptic packaging, and to require that the extract is prepared by the method of claim 3. As amended, the method of claim 20 also specifies delivering from the packaging the color stabilized red pigmented extract to impart a red color.

Allowable Subject Matter

Applicants gratefully acknowledge the allowance of claims 1-3, 5, 7 and 8, and the indication in the Office Action that claims 4, 6, 9 and 11-20 would be allowable if rewritten or amended to overcome the § 112 rejections set forth in the Office Action. Applicants submit that claims 4, 6, 9 and 11-20, as currently amended, fully comply with the requirements of 35 U.S.C. § 112, second paragraph, and are now in condition for allowance.

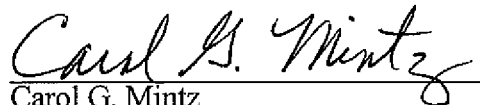
Conclusion

Accordingly, reconsideration of this application and withdrawal of the rejections and objections are respectfully requested in light of the foregoing amendments and remarks. Applicants request allowance of all pending claims.

This is believed to be a full and complete response to the Office Action dated December 27, 2006. If any issue in the Office Action has been overlooked or is deemed to be incompletely addressed, Applicants request an opportunity to supplement this response. It is believed that no extensions of time or fees are required, beyond any that may otherwise be provided for in documents accompanying this paper. In the event that any additional extension of time is necessary to allow consideration of this paper, such extension is hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account Number 03-2769 of Conley Rose, P.C., Houston, Texas.

Appl. No. 10/563,050
Amdt. dated March 26, 2007
Reply to Office Action of December 27, 2006

Respectfully submitted,

A handwritten signature in cursive script, reading "Carol G. Mintz", written in black ink. The signature is fluid and stylized, with a long horizontal line extending from the end of the name.

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